

03-13-02

CPA 1600 #

<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL (Large Entity)</b> Submit an original, and a duplicate for fee processing. Only for Continuation or Divisional Applications Under 37 CFR 1.53(d)		Docket No. 11535
		<input type="checkbox"/> <b>DUPLICATE</b> (Check box if applicable)

First Named Inventor	Examiner	Group/Art Unit
Michael Wayne Graham	S. Kaushal	1636

Address to:  
 Assistant Commissioner for Patents  
 Box CPA  
 Washington, D.C. 20231

#17

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/100,812 filed on June 19, 1998 and entitled:

**SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I**

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1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ An Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449

- b. ☐ Copies of IDS Citations

03/14/2002 SDENB081 00000073 09100012

01 FC:131	740.00 OP
02 FC:102	2940.00 OP
03 FC:103	612.00 OP
04 FC:104	280.00 OP

6. ☒ The fee for this application is calculated as follows:

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	54	- 20 =	34	x \$18.00	\$612.00
Indep. Claims	38	- 3 =	35	x \$84.00	\$2,940.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$280.00
BASIC FEE					\$740.00
TOTAL FILING FEE					\$4,572.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$4,572.00 is enclosed.

9. ☒ Also enclosed:

Copy of Petition for Extension of Time

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: March 12, 2002

  
Signature

Frank S. DiGiglio

Typed or printed name

31,346

Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Michael Wayne Graham

Docket No.

11535

Serial No.

09/100,812

Filing Date

June 19, 1998

Examiner

S. Kaushal

Group Art Unit

1636

Invention:

SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I

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I hereby certify that the following correspondence:

CPA Patent Application

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

March 12, 2002

(Date)

Janet Grossman

(Typed or Printed Name of Person Mailing Correspondence)

Janet Grossman

(Signature of Person Mailing Correspondence)

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